

**U.S. District Court [LIVE]
Western District of Texas (San Antonio)
CIVIL DOCKET FOR CASE #: 5:16-cv-00972-RCL**

Eakin v. United States Department of Defense
Assigned to: Judge Royce C. Lamberth
Cause: 05:552 Freedom of Information Act

Date Filed: 09/30/2016
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**John Eakin**

represented by **John Eakin**
9865 Tower View Road
Helotes, TX 78023
210-695-2204
Email: jeakin@airsafety.com
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V.

Defendant**United States Department of Defense**

represented by **Mary F. Kruger**
United States Attorneys Office
601 NW Loop 410, Suite 600
San Antonio, TX 78216
210-384-7300
Fax: 210/384-7322
Email: mary.kruger@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Shaw-Meadow
U.S. Attorney's Office
601 N.W. Loop 410
Suite 600
San Antonio, TX 78216
(210) 384-7355
Fax: 210/384-7312
Email: stephanie.karam@usdoj.gov
TERMINATED: 02/07/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 09/30/2016 | | THIS CASE HAS BEEN RANDOMLY ASSIGNED TO JUDGE XAVIER RODRIGUEZ. (fs) (Entered: 09/30/2016) |
| 09/30/2016 | | If ordered by the court, all referrals will be assigned to Magistrate Judge Primomo. (fs) (Entered: 09/30/2016) |
| 09/30/2016 | <u>1</u> | COMPLAINT (Filing fee \$ 400 receipt number 500036375), filed by John Eakin. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Filing Fee Receipt)(fs) (Entered: 09/30/2016) |
| 09/30/2016 | <u>2</u> | MOTION For Leave to File Electronically by John Eakin. (fs) (Entered: 09/30/2016) |
| 09/30/2016 | <u>3</u> | Summons Issued as to United States Department of Defense, U.S. Attorney and U.S. Attorney Department of Justice (fs) (Entered: 09/30/2016) |
| 09/30/2016 | | Text Order GRANTING <u>2</u> Motion for leave to file electronically entered by Judge Xavier Rodriguez. Plaintiff may file electronically pursuant to the electronic filing requirements for a pro se litigant set forth in the Administrative Policies and Procedures for Electronic Filing in Criminal and Civil Cases found on the Court's |

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| | | website. (This is a text-only entry generated by the court. There is no document associated with this entry.) (lcl) (Entered: 09/30/2016) |
| 10/17/2016 | <u>4</u> | SUMMONS Returned Executed by John Eakin. Department of Defense (Eakin, John) Modified on 10/17/2016 (rg). (Entered: 10/17/2016) |
| 10/17/2016 | <u>5</u> | SUMMONS Returned Executed by John Eakin. United States Department of Defense served on 10/11/2016, answer due 12/12/2016. (Eakin, John) (Entered: 10/17/2016) |
| 10/17/2016 | <u>6</u> | SUMMONS Returned Executed on 10/3/2016 by John Eakin. <i>US Atty</i> (Eakin, John) (Entered: 10/17/2016) |
| 10/17/2016 | | Reset Deadlines: United States Department of Defense answer due 12/2/2016. (rg) (Entered: 10/17/2016) |
| 10/18/2016 | <u>7</u> | NOTICE <i>Statutory time to answer FOIA complaint</i> by John Eakin (Eakin, John) (Entered: 10/18/2016) |
| 11/01/2016 | <u>8</u> | <i>Defendant's</i> ANSWER to Complaint . Attorney Robert Shaw-Meadow added to party United States Department of Defense(pty:dft) by United States Department of Defense.(Shaw-Meadow, Robert) (Entered: 11/01/2016) |
| 11/01/2016 | <u>9</u> | ORDER AND ADVISORY for Scheduling Recommendations/Proposed Scheduling Order. Plaintiff shall submit scheduling recommendations/proposed scheduling order to the Court. (Scheduling Recommendations/Proposed Scheduling Order due by 12-1-16); Notice of right to consent to disposition of a civil case by a U.S. Magistrate Judge. Signed by Judge Xavier Rodriguez. (jhw) (Entered: 11/01/2016) |
| 11/01/2016 | | Set/Reset Deadlines: Scheduling Recommendations/Proposed Scheduling Order due by 12/1/2016, (rf) (Entered: 11/02/2016) |
| 11/23/2016 | <u>10</u> | CONSENT to Trial by US Magistrate Judge by John Eakin. (rf) (Entered: 11/23/2016) |
| 12/01/2016 | <u>11</u> | STATUS REPORT <i>Joint Rule 26(f) Report and Response to Court Order of November 1, 2016</i> by United States Department of Defense. (Shaw-Meadow, Robert) (Entered: 12/01/2016) |
| 12/01/2016 | <u>12</u> | Scheduling Recommendations/Proposed Scheduling Order <i>Joint</i> by United States Department of Defense. (Shaw-Meadow, Robert) (Entered: 12/01/2016) |
| 12/01/2016 | <u>13</u> | NON-CONSENT to Trial by US Magistrate Judge by United States Department of Defense. (Shaw-Meadow, Robert) (Entered: 12/01/2016) |
| 12/01/2016 | <u>14</u> | NOTICE <i>of Attorney Absence</i> by United States Department of Defense (Shaw-Meadow, Robert) (Entered: 12/01/2016) |
| 12/07/2016 | <u>15</u> | SCHEDULING ORDER: Plaintiff's amended pleadings or motions to join parties due 12-30-16; Defendant's motion to designate third parties, amend pleadings or join parties is 1-20-17; Pretrial Motions due 2-1-17. Signed by Judge Xavier Rodriguez. (jhw) (Entered: 12/07/2016) |
| 01/24/2017 | <u>16</u> | MOTION for Summary Judgment by John Eakin. (Eakin, John) (Entered: 01/24/2017) |
| 01/31/2017 | <u>17</u> | Opposed MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION for Summary Judgment <i>and to Submitt Cross Motion for Summary Judgment</i> by United States Department of Defense. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Shaw-Meadow, Robert) (Entered: 01/31/2017) |
| 02/03/2017 | <u>18</u> | Response in Opposition to Motion, filed by John Eakin, re <u>17</u> Opposed MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION for Summary Judgment <i>and to Submitt Cross Motion for Summary Judgment</i> filed by Defendant United States Department of Defense (Attachments: # <u>1</u> Exhibit Exemplar FOIA request)(Eakin, John) (Entered: 02/03/2017) |
| 02/07/2017 | <u>19</u> | NOTICE <i>of Withdrawal and Substitution of Counsel</i> by United States Department of Defense (Kruger, Mary) (Entered: 02/07/2017) |
| 02/09/2017 | <u>20</u> | RESPONSE in Support, filed by United States Department of Defense, re <u>17</u> Opposed MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION for Summary Judgment <i>and to Submitt Cross Motion for Summary Judgment</i> filed by |

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| | | Defendant United States Department of Defense (Attachments: # <u>1</u> Proposed Order)(Kruger, Mary) (Entered: 02/09/2017) |
| 03/13/2017 | <u>21</u> | ORDER REASSIGNING CASE. Case reassigned to Judge Royce C. Lamberth for all proceedings. Judge Xavier Rodriguez no longer assigned to case. Signed by Judge Xavier Rodriguez. (rg) (Entered: 03/14/2017) |
| 06/01/2017 | <u>22</u> | Cross MOTION for Summary Judgment <i>and Response to Plaintiff's Motion for Summary Judgment</i> , MOTION to Stay Case <i>in the Alternative</i> by United States Department of Defense. (Attachments: # <u>1</u> Response to Plaintiff's Statement of Material Facts, # <u>2</u> Exhibit 1– Wey Declaration)(Kruger, Mary) (Entered: 06/01/2017) |
| 06/07/2017 | <u>23</u> | MOTION to Strike <u>22</u> Cross MOTION for Summary Judgment <i>and Response to Plaintiff's Motion for Summary Judgment</i> MOTION to Stay Case <i>in the Alternative</i> by John Eakin. (Eakin, John) (Entered: 06/07/2017) |
| 06/07/2017 | <u>24</u> | Response in Opposition to Motion, filed by John Eakin, re <u>22</u> Cross MOTION for Summary Judgment <i>and Response to Plaintiff's Motion for Summary Judgment</i> MOTION to Stay Case <i>in the Alternative</i> filed by Defendant United States Department of Defense (Eakin, John) (Entered: 06/07/2017) |
| 06/14/2017 | <u>25</u> | RESPONSE to Motion, filed by United States Department of Defense, re <u>23</u> MOTION to Strike <u>22</u> Cross MOTION for Summary Judgment <i>and Response to Plaintiff's Motion for Summary Judgment</i> MOTION to Stay Case <i>in the Alternative</i> filed by Plaintiff John Eakin (Kruger, Mary) (Entered: 06/14/2017) |
| 06/14/2017 | <u>26</u> | RESPONSE in Support, filed by United States Department of Defense, re <u>22</u> Cross MOTION for Summary Judgment <i>and Response to Plaintiff's Motion for Summary Judgment</i> MOTION to Stay Case <i>in the Alternative</i> filed by Defendant United States Department of Defense (Kruger, Mary) (Entered: 06/14/2017) |
| 08/02/2017 | <u>27</u> | ORDER GRANTING <u>17</u> Motion for Extension of Time to File Response/Reply nunc pro tunc Signed by Judge Royce C. Lamberth. (ad) (Entered: 08/02/2017) |
| 08/02/2017 | <u>28</u> | ORDER MOOTING <u>23</u> Motion to Strike Signed by Judge Royce C. Lamberth. (ad) (Entered: 08/02/2017) |
| 08/02/2017 | <u>29</u> | MEMORANDUM OPINION. Signed by Judge Royce C. Lamberth. (ad) (Entered: 08/02/2017) |
| 08/02/2017 | <u>30</u> | ORDER GRANTING IN PART AND DENYING IN PART <u>16</u> Motion for Summary Judgment; DENYING <u>22</u> Motion for Summary Judgment; GRANTING <u>22</u> Motion to Stay Case Signed by Judge Royce C. Lamberth. (ad) (Entered: 08/02/2017) |
| 01/17/2018 | <u>31</u> | Opposed MOTION to Compel <i>Production</i> by John Eakin. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit Scanning Contract, # <u>3</u> Exhibit Sample Previously Released Files, # <u>4</u> Exhibit Sample Embedded Document, # <u>5</u> Exhibit Vaughn Index, # <u>6</u> Exhibit Description of Scanning Project)(Eakin, John) (Entered: 01/17/2018) |
| 01/22/2018 | <u>32</u> | MOTION to Stay Case by United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Kruger, Mary) (Entered: 01/22/2018) |
| 01/24/2018 | <u>33</u> | MOTION to Withdraw <i>ITS MOTION TO STAY</i> by United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Kruger, Mary) (Entered: 01/24/2018) |
| 01/24/2018 | <u>34</u> | MOTION for Extension of Time to File Response/Reply by United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Kruger, Mary) (Entered: 01/24/2018) |
| 01/24/2018 | <u>35</u> | ORDER DENYING <u>32</u> Motion to Stay Case Signed by Judge Royce C. Lamberth. (mgr) (Entered: 01/25/2018) |
| 02/07/2018 | <u>36</u> | RESPONSE to Motion, filed by United States Department of Defense, re <u>31</u> Opposed MOTION to Compel <i>Production</i> filed by Plaintiff John Eakin (Attachments: # <u>1</u> Exhibit)(Kruger, Mary) (Entered: 02/07/2018) |
| 02/13/2018 | <u>37</u> | REPLY to Response to Motion, filed by John Eakin, re <u>31</u> Opposed MOTION to Compel <i>Production</i> filed by Plaintiff John Eakin (Eakin, John) (Entered: 02/13/2018) |

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| 05/24/2018 | <u>38</u> | Unopposed MOTION for Leave to File <i>Sur Reply</i> by John Eakin. (Attachments: # <u>1</u> Exhibit Sur Reply, # <u>2</u> Exhibit Proposed Order)(Eakin, John) (Entered: 05/24/2018) |
| 06/21/2018 | <u>39</u> | ORDER GRANTING <u>38</u> Motion for Leave to File sur reply Signed by Judge Royce C. Lamberth. (mgr) (Entered: 06/25/2018) |
| 06/21/2018 | <u>40</u> | Plaintiff's Sur Reply to his opposed Motion for Clarification and to Compel Production of Documents to <u>38</u> Unopposed MOTION for Leave to File <i>Sur Reply</i> by John Eakin. (mgr) (Entered: 06/25/2018) |
| 06/21/2018 | <u>41</u> | ORDER GRANTING <u>34</u> Motion for Extension of Time to File Response/Reply Signed by Judge Royce C. Lamberth. (mgr) (Entered: 06/25/2018) |
| 06/05/2019 | <u>42</u> | MEMORANDUM OPINION. Signed by Judge Royce C. Lamberth. (kjl) (Entered: 06/05/2019) |
| 06/05/2019 | <u>43</u> | ORDER GRANTING IN PART AND DENYING IN PART <u>31</u> Motion to Compel. Signed by Judge Royce C. Lamberth. (kjl) (Entered: 06/05/2019) |
| 06/05/2019 | | MINUTE ORDER DENYING AS MOOT <u>33</u> Motion to Withdraw. Signed by Judge Royce C. Lamberth. (kjl) (Entered: 06/05/2019) |